

Marin County Community Development Agency

Alex Hinds, Director

TIDELANDS PERMIT FACT SHEET

DEFINITION

Tidelands Permit review consists of examination of plans and proposals for land use, grading, or site development to promote, preserve and enhance tidelands, shorelines, waterways, beaches, and salt marshes as vital natural resources which provide scenic views, open space, wildlife habitat, and recreational and water-oriented resources in Marin County. A tidelands permit is required for all grading and construction on land and water areas within the unincorporated area of Marin County which are below, or were, at any time within a preceding twelve-month period, below an elevation of seven and one-half feet mean lower low-water datum and to contiguous land between that elevation line, and either a point one hundred feet inland or the nearest publicly maintained road, whichever is closer.

EXEMPTIONS

Emergency work to prevent imminent damage to land or improvements from floodwaters; maintenance work to buildings or structures which existed before June 11, 1970, or were approved by Tidelands Permit; any structure, fill, or excavation which the Planning Director finds to be minor or incidental; any structure, fill or excavation which has been approved as part of any application, action or permit except as approved by a building permit; any structure, fill, or excavation which is behind secure dikes which existed before June 11, 1970, and which is normally not subject to tidal action by virtue of the dike, or which is only temporarily under tidal action due to defective tide gates; and tidelands located in specific portions of Coyote Creek (upstream of State Highway No. 1 Bridge) and Corte Madera Creek (upstream of the concrete flood control channel) shall not be subject to a tidelands permit.

ACTION/PROCESS

The Planning Director shall act on Tidelands Permit applications if the application includes only repair to a structure, or work is found to be minor and incidental and without significant environmental impact.

If the application involves new construction and cannot be considered to be minor and incidental and/or is expected to have significant environmental impact, the application shall be referred to the Planning Commission for consideration.

The Planning Director or Planning Commission shall act on Tidelands Permit applications within sixty (60) days of the date when the application is deemed complete.

ENVIRONMENTAL ASSESSMENT

Tidelands Permit applications for Bay Front Conservation Zone lands that are vacant, used for agriculture, or that is to be cleared and redeveloped shall be preceded by an environmental assessment of the capability and constraints of land and water areas. Proposed development shall be designed based upon the conclusion and recommendations of the environmental assessment. The environmental assessment is intended to provide the highest degree of environmental protection while permitting reasonable development of sensitive land and water areas consistent with goals, objectives, and policies contained within the Marin Countywide Plan.

APPLICATION PROCESS

STEP 1 SUBMIT APPLICATION AT PUBLIC INFORMATION COUNTER - The application shall include a completed Zoning/Development application, an application filing fee, and eight sets of plans containing the following information: existing and proposed grades, extent and amount of proposed fill or excavation, location of all existing and proposed structures, a tentative plan for the future development of the area, and sufficient detail to allow a determination of the impact of the proposal on the navigability, appearance and safety of the waterways. (Please refer to the Design Review Supplemental Information Checklist).

Please check with the counter planner if you have any questions regarding any of these items. Incomplete or unclear applications will not be accepted for processing.

STEP 2 STAFF APPLICATION PROCESSING - A planner will be assigned to process your application. The planner will review your application for completeness and will transmit your plans and any other pertinent materials to relevant public agencies such as the Department of Public Works, Fire Department, and, where applicable, to the Bay Conservation and Development Commission (BCDC) for their review and comments.

STEP 3 DETERMINATION OF COMPLETENESS - The planner assigned to your project will review your Tidelands Permit application for completeness. State law requires that staff determine whether the application is complete within 30 days from submittal. You will be sent a Notice of Project Status informing you whether your application is complete or incomplete, and, if incomplete, what items must be submitted before processing and environmental review can begin.

STEP 4 PUBLIC NOTICE - Once it has been determined that a complete application has been submitted, a notice will be sent to the owners of all properties within 300 feet of your property at least ten days prior to action. A notice for an administrative action will state the date when a decision will be reached by the Planning Director. If a public hearing will be held, the notice will state the date and place for the hearing.

STEP 5 ACTION - The Planning Director or Planning Commission can act to approve, approve with conditions, or deny your Tidelands Permit application. In the case of a Tidelands Permit application, the acting official will take into account any information or comments from relevant departments, agencies, design review boards and the general public. If a public hearing is held, the Planning Commission will also consider public testimony. If a Tidelands Permit is approved for the proposed project, work can not begin, in most instances, until a building permit and/or BCDC Permit are issued.

STEP 6 APPEAL - Action by the Planning Director is final unless appealed, in writing, at the Public Information Counter within five (5) working days from the date of action. The Planning Commission will act to sustain, modify, or overrule the previous action. Action taken by the Planning Commission may be appealed to the Board of Supervisors. Check at the Public Information Counter regarding applicable fees and other details of the appeal process.

FOR FURTHER INFORMATION

- ° Visit the Marin County Planning Department Zoning Counter at the Civic Center - Room 308, San Rafael, California, Monday through Friday (closed holidays), 8:00 a.m. - 12:00 p.m. and 1:00 p.m. - 4 p.m., or call (415) 499-6269.
- ° See Marin County Zoning Ordinance, Chapter 22.77.